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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, for and in)
behalf of the People of the State of Illinois,)**

Petitioner,)

vs.)

UNION PACIFIC RAILROAD COMPANY,)

Respondent.)

No.

**ILLINOIS COMMERCE
COMMISSION
2002 NOV -4 P 3:31
TRANSPORTATION DIV**

702-0107

(Parcel 5629025, 5629025PE and 5629025TE)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 729 (U.S. 136), a State highway under the control and jurisdiction of Petitioner, in Vermilion County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibits "A", "B" and "C", respectively, attached hereto and incorporated by this reference, are required for Petitioner's widening, resurfacing and intersection improvement in the City of Danville in Vermilion County,

DOCKETED

Illinois (hereafter the "Project").

2. Respondent, UNION PACIFIC RAILROAD COMPANY, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, in Vermilion County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire fee simple title in Parcel No. 5629025, a permanent easement in Parcel No. 5629025PE and a temporary easement in Parcel No. 5629025TE, more particularly described in Exhibits "A" (Tracts I and II), "B" and "C" (Tracts I and II), respectively, attached hereto. The temporary easement shall be in effect for a period of three (3) years, from the date of vesting or until completion of construction operations, whichever occurs first.

5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, UNION PACIFIC RAILROAD COMPANY, fee simple title in Parcel No. 5629025, a permanent easement in Parcel No. 5629025PE and a temporary easement in Parcel No. 5629025TE, more particularly described in attached Exhibits "A" (Tracts I and II), "B" and "C" (Tracts I and II), respectively, all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

By: 

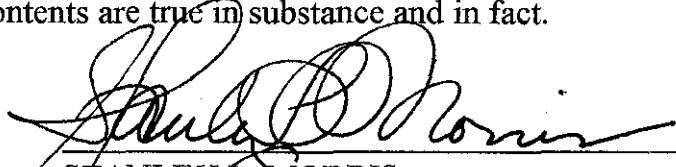
Stanley L. Morris

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STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 4th day of November, 2002.




Notary Public

PROOF OF SERVICE

The undersigned certifies that on Nov. 4, 2002, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation
208 South LaSalle Street
Chicago, Illinois 60604

Mr. Roy Farwell
210 North 13th Street, Room 2000
St. Louis, MO 63101-2388

Mr. Dean Jackson
522 East Monroe Street
Suite 306
Springfield, Illinois 62701



A parcel of land being a part of the former Danville and Grape Creek Railroad right of way lying in Lot 13 and Lot 15 of the County Clerk's Subdivision of the East Half of the Northwest Quarter of Section 9, Township 19 North, Range 11 West of the Second Principal Meridian, also part of the vacated alley lying adjacent to the west line of said Lot 13, all situated in the City of Danville, Vermilion County, Illinois, described as the following two tracts:

TRACT I:

Beginning at the intersection of the northeasterly right of way line of the Danville and Grape Creek Railroad (now abandoned) and the existing southerly right of way line of FAP Route 729 (U.S. Route 136/Main Street); thence southeasterly 2.308 meters [7.57 feet] along said railroad right of way line, being a curve to the left, having a radius of 572.068 meters [1876.86 feet] and a chord bearing South 45 degrees 44 minutes 35 seconds East 2.308 meters [7.57 feet]; thence South 66 degrees 38 minutes 42 seconds West 21.711 meters [71.23 feet] along a line parallel with and 12.192 meters [40.00 feet] southerly of the centerline of Main Street to the southwesterly right of way line of said railroad; thence northwesterly 2.295 meters [7.53 feet] along said railroad right of way line, being a curve to the right, having a radius of 592.184 meters [1942.86 feet] and a chord bearing North 44 degrees 56 minutes 38 seconds West 2.295 meters [7.53 feet] to the existing southerly right of way line of Main Street; thence North 66 degrees 38 minutes 42 seconds East 21.676 meters [71.12 feet] along said southerly right of way line to the Point of Beginning, containing 46 square meters [495 square feet], more or less.

TRACT II:

Beginning at the intersection of the northeasterly right of way line of the Danville and Grape Creek Railroad (now abandoned) and the existing northerly right of way line of FAP Route 729 (U.S. Route 136/Main Street); thence South 66 degrees 38 minutes 42 seconds West 40.413 meters [132.59 feet] along said southerly right of way line to the west line of the east half of a vacated 16.5 feet alley; thence North 01 degree 03 minutes 05 seconds West 2.307 meters [7.57 feet] along said west line; thence North 66 degrees 38 minutes 42 seconds East 25.420 meters [83.40 feet] along a line parallel with and 12.192 meters [40.00 feet] northerly of the centerline of Main Street; thence North 23 degrees 21 minutes 18 seconds West 0.610 meters [2.00 feet]; thence North 66 degrees 38 minutes 42 seconds East 13.078 meters [42.91 feet] along a line parallel with and 12.802 meters [42.00 feet] northerly of the centerline of Main Street to the northeasterly right of way line of said railroad; thence southeasterly 2.934 meters [9.63 feet] along said railroad right of way line, being a curve to the left, having a radius of 572.068 meters [1876.86 feet] and a chord bearing South 44 degrees 05 minutes 43 seconds East 2.934 meters [9.63 feet] to the existing northerly right of way line of Main Street and Point of Beginning, containing 93 square meters [1001 square feet], more or less.

Said parcel contains in both Tracts I and II 139 square meters [1496 square feet],

EXHIBIT "B"

PARCEL 5629025 PE

A permanent easement being a part of the former Danville and Grape Creek Railroad right of way lying in Lot 13 of the County Clerk's Subdivision of the East Half of the Northwest Quarter of Section 9, Township 19 North, Range 11 West of the Second Principal Meridian, situated in the City of Danville, Vermilion County, Illinois, described as follows:

Commencing at the intersection of the northeasterly right of way line of the Danville and Grape Creek Railroad (now abandoned) and the existing northerly right of way line of FAP Route 729 (U.S. Route 136/Main Street); thence northwesterly 2.934 meters [9.63 feet] along said railroad right of way line, being a curve to the right, having a radius of 572.068 meters [1876.86 feet] and a chord bearing North 44 degrees 05 minutes 43 seconds West 2.934 meters [9.63 feet] to the Point of Beginning; thence South 66 degrees 38 minutes 42 seconds West 13.078 meters [42.91 feet] along a line parallel with and 12.802 meters [42.00 feet] northerly of the centerline of Main Street; thence North 23 degrees 21 minutes 18 seconds West 1.066 meters [3.50 feet]; thence North 66 degrees 38 minutes 42 seconds East 12.679 meters [41.60 feet] along a line parallel with and 13.868 meters [45.50 feet] northerly of the centerline of Main Street to the northeasterly right of way line of said railroad; thence southeasterly 1.139 meters [3.74 feet] along said railroad right of way line, being a curve to the left, having a radius of 572.068 meters [1876.86 feet] and a chord bearing South 43 degrees 53 minutes 28 seconds East 1.139 meters [3.74 feet] to the Point of Beginning, containing 14 square meters [151 square feet], more or less.

A temporary easement being a part of the former Danville and Grape Creek Railroad right of way lying in Lot 13 and Lot 15 of the County Clerk's Subdivision of the East Half of the Northwest Quarter of Section 9, Township 19 North, Range 11 West of the Second Principal Meridian, also part of the vacated alley lying adjacent to the west line of said Lot 13, all situated in the City of Danville, Vermilion County, Illinois, described as the following two tracts:

TRACT I:

Commencing at the intersection of the northeasterly right of way line of the Danville and Grape Creek Railroad (now abandoned) and the existing southerly right of way line of FAP Route 729 (U.S. Route 136/Main Street); thence southeasterly 2.308 meters [7.57 feet] along said railroad right of way line, being a curve to the left, having a radius of 572.068 meters [1876.86 feet] and a chord bearing South 45 degrees 44 minutes 35 seconds East 2.308 meters [7.57 feet] to the Point of Beginning; thence continue southeasterly 8.605 meters [28.23 feet] along said railroad right of way line, being a curve to the left, having a radius of 572.068 meters [1876.86 feet] and a chord bearing South 46 degrees 17 minutes 23 seconds East 8.605 meters [28.23 feet]; thence South 66 degrees 38 minutes 42 seconds West 20.824 meters [68.32 feet] along a line parallel with and 20.117 meters [66.00 feet] southerly of the centerline of Main Street; thence North 53 degrees 00 minutes 36 seconds West 7.278 meters [23.88 feet] to the existing southwesterly right of way of said railroad; thence northwesterly 1.723 meters [5.65 feet] along said railroad right of way line, being a curve to the right, having a radius of 592.184 meters [1942.86 feet] and a chord bearing North 45 degrees 08 minutes 17 seconds West 1.723 meters [5.65 feet]; thence North 66 degrees 38 minutes 42 seconds East 21.711 meters [71.23 feet] along a line parallel with and 12.192 meters [40.00 feet] southerly of the centerline of Main Street to the Point of Beginning, containing 170 square meters [1830 square feet], more or less.

TRACT II:

Commencing at the intersection of the west line of the east half of a vacated 16.5 feet alley (lying adjacent to the west line of Lot 13 of County Clerk's Subdivision of the East Half of the Northwest Quarter of said Section 9) and the existing northerly right of way line of FAP Route 729 (U.S. Route 136/Main Street); thence North 01 degree 03 minutes 05 seconds West 2.307 meters [7.57 feet] along the west line of the east half of said alley to the Point of Beginning; thence continue North 01 degree 03 minutes 05 seconds West 5.930 meters [19.46 feet] along said west line; thence North 66 degrees 38 minutes 42 seconds East 5.670 meters [18.60 feet] along a line parallel with and 17.678 meters [58.00 feet] northerly of the centerline of Main Street; thence South 23 degrees 21 minutes 18 seconds East 3.810 meters [12.50 feet]; thence North 66 degrees 38 minutes 42 seconds East 17.500 meters [57.41 feet] along a line parallel with and 13.868 meters [45.50 feet] northerly of the centerline of Main Street; thence South 23 degrees 21 minutes 18 seconds East 1.676 meters [5.50 feet]; thence South 66 degrees 38 minutes 42 seconds West 25.420 meters [83.40 feet] along a line parallel with and 12.192 meters [40.00 feet] northerly of the centerline of Main Street to the Point of Beginning, containing 67 square meters [721 square feet], more or less.

Said temporary easement contains in both Tracts I and II 237 square meters [2551 square feet], more or less.